
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 183 Session of
2017

INTRODUCED BY MCGARRIGLE, JANUARY 25, 2017

REFERRED TO LABOR AND INDUSTRY, JANUARY 25, 2017

AN ACT

1 Providing for plumbing contractors licensure; establishing the
2 State Board of Plumbing Contractors and providing for its
3 powers and duties; conferring powers and imposing duties on
4 the Department of Labor and Industry; establishing fees,
5 fines and civil penalties; establishing the Plumbing
6 Contractors Licensure Account; and making an appropriation.

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17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 CHAPTER 1

20 PRELIMINARY PROVISIONS

21 Section 101. Short title.

22 This act shall be known and may be cited as the Plumbing
23 Contractors Licensure Act.

24 Section 102. Definitions.

25 The following words and phrases when used in this act shall
26 have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

28 "Apprentice plumber." An individual who is registered as an
29 apprentice under the act of July 14, 1961 (P.L.604, No.304),
30 known as The Apprenticeship and Training Act, and who is

1 licensed by the State Board of Plumbing Contractors as an
2 individual whose principle occupation is learning and assisting
3 in the performance of plumbing services.

4 "Board." The State Board of Plumbing Contractors.

5 "Conviction." The term includes a judgment, an admission of
6 guilt or a plea of nolo contendere.

7 "Department." The Department of Labor and Industry of the
8 Commonwealth.

9 "Journeyman plumber." An individual who is licensed by the
10 State Board of Plumbing Contractors to assist a master plumber
11 with the performance of plumbing services.

12 "Master plumber" or "licensed plumbing contractor." An
13 individual who has been licensed by the State Board of Plumbing
14 Contractors and who is authorized to perform plumbing services
15 and to supervise plumbing services provided by an apprentice
16 plumber or a journeyman plumber.

17 "Plumbing services." The installation, maintenance,
18 extension and alteration of all piping, fixtures, venting
19 systems, plumbing appliances and plumbing appurtenances, within
20 or adjacent to a structure, in connection with:

- 21 (1) sanitary drainage or storm drainage facilities; or
22 (2) public or private water supply systems.

23 CHAPTER 3

24 BOARD

25 Section 301. State Board of Plumbing Contractors.

26 (a) Establishment.--The State Board of Plumbing Contractors
27 is established within the department.

28 (b) Composition.--The board shall consist of the following:

- 29 (1) The Secretary of Labor and Industry or a designee.
30 (2) Two public members.

1 (3) Six professional members. Professional members shall
2 have been actively engaged in providing plumbing services in
3 this Commonwealth for at least 10 years immediately preceding
4 appointment and shall be comprised as follows:

5 (i) Two professional members shall reside in and be
6 licensed as plumbers by a county of the first class. One
7 shall be a signatory and one shall be a nonsignatory.

8 (ii) Two professional members shall reside in and be
9 licensed as plumbers by a county of the second class. One
10 shall be a signatory and one shall be a nonsignatory.

11 (iii) Two shall reside in different counties of the
12 third class. One shall be a signatory and one shall be a
13 nonsignatory.

14 (iv) Except as set forth in subsection (f),
15 professional members must be licensed under this act as
16 master plumbers.

17 (c) Meeting.--The board shall meet within 30 days after the
18 appointment of its first members and shall set up operating
19 procedures and develop application forms for licensure. It shall
20 be the responsibility of the board to circulate the forms and
21 educate the public regarding the requirements of this act and
22 the provision of plumbing services in this Commonwealth.

23 (d) Term of membership.--Professional and public members
24 shall be appointed by the Governor with the advice and consent
25 of the Senate. Professional and public members shall be citizens
26 of the United States and residents of this Commonwealth. Except
27 as provided in subsection (e), professional and public members
28 shall serve a term of four years or until a successor has been
29 appointed and qualified but not longer than six months beyond
30 the four-year period. If a member dies or resigns or is

1 otherwise disqualified during the term of office, a successor
2 shall be appointed in the same way and with the same
3 qualifications and shall hold office for the remainder of the
4 unexpired term. A professional or public member may not hold
5 more than two consecutive terms.

6 (e) Appointments.--For professional and public members
7 initially appointed to the board under this act, the term of
8 office shall be as follows:

9 (1) Five members shall serve for a term of four years.

10 (2) Two members shall serve for a term of three years.

11 (3) One member shall serve for a term of two years.

12 (f) Professional members and initial appointments.--A
13 professional member initially appointed to the board under this
14 act need not be licensed at the time of appointment but, at the
15 time of appointment, must have satisfied eligibility
16 requirements for licensure as provided in this act.

17 (g) Quorum.--A majority of the members of the board shall
18 constitute a quorum. Except for temporary and automatic
19 suspensions under section 705, a member may not be counted as
20 part of a quorum or vote on an issue unless the member is
21 physically in attendance at the meeting.

22 (h) Chairperson.--The board shall select annually a
23 chairperson from among its members.

24 (i) Expenses.--With the exception of the Secretary of Labor
25 and Industry, a member of the board shall receive \$60 per diem
26 when attending to the work of the board. A member shall also
27 receive the amount of reasonable traveling, hotel and other
28 necessary expenses incurred in the performance of the member's
29 duties in accordance with Commonwealth regulations.

30 (j) Forfeiture.--A professional or public member who fails

1 to attend three consecutive meetings shall forfeit the member's
2 seat unless the Secretary of Labor and Industry, upon written
3 request from the member, finds that the member should be excused
4 from a meeting because of illness or the death of a family
5 member.

6 (k) Frequency of meetings.--The board shall meet at least
7 four times a year in the City of Harrisburg and at additional
8 times as may be necessary to conduct the business of the board.

9 Section 302. Powers and duties of board.

10 (a) General rule.--The board shall have the following powers
11 and duties:

12 (1) To provide for and regulate, as provided for in this
13 act, the licensing of individuals engaged in providing
14 plumbing services.

15 (2) To issue, renew, reinstate, decline to renew,
16 suspend and revoke licenses as provided for in this act.

17 (3) To administer and enforce the provisions of this
18 act.

19 (4) To approve professional testing organizations to
20 administer tests to qualified applicants for licensure as
21 provided in this act. Written, oral or practical examinations
22 shall be prepared and administered by a qualified and
23 approved professional testing organization approved by the
24 board.

25 (5) To investigate applications for licensure and to
26 determine the eligibility of an individual applying for
27 licensure under this act.

28 (6) To promulgate and enforce regulations, not
29 inconsistent with this act, as necessary only to carry into
30 effect the provisions of this act. This paragraph includes

1 the setting of fees. Regulations shall be adopted in
2 conformity with the provisions of the act of July 31, 1968
3 (P.L.769, No.240), referred to as the Commonwealth Documents
4 Law, and the act of June 25, 1982 (P.L.633, No.181), known as
5 the Regulatory Review Act.

6 (7) To keep minutes and records of all its proceedings.

7 (8) To keep and maintain a registry of individuals
8 licensed by the board. The board shall provide access to the
9 registry to the public, including making the registry
10 available on a publicly accessible Internet website. The
11 registry shall contain the home improvement contractor
12 registration number required by the act of October 17, 2008
13 (P.L.1645, No.132), known as the Home Improvement Consumer
14 Protection Act, and provide access information for the
15 website containing registration information if the contractor
16 is required to be registered as a residential home
17 improvement contractor.

18 (9) To submit annually to the department an estimate of
19 financial requirements of the board for its administrative,
20 legal and other expenses.

21 (10) To submit annually a report to the Consumer
22 Protection and Professional Licensure Committee of the Senate
23 and the Professional Licensure Committee of the House of
24 Representatives. The report shall include a description of
25 the types of complaints received, the status of cases, the
26 action that has been taken and the length of time from
27 initial complaint to final resolution.

28 (11) To submit annually to the Appropriations Committee
29 of the Senate and the Appropriations Committee of the House
30 of Representatives, 15 days after the Governor has submitted

1 a budget to the General Assembly, a copy of the budget
2 request for the upcoming fiscal year that the board
3 previously submitted to the department.

4 (b) No active solicitation municipalities.--

5 (1) It shall not be the mission of the board to actively
6 solicit a municipality or other public entity to require a
7 plumbing license for those performing plumbing services
8 within their jurisdiction.

9 (2) Nothing in this subsection shall be construed to
10 prevent the board or a board member from providing
11 information to, or otherwise educating, a member of the
12 public or a municipality or other public entity about this
13 act, plumbing or plumbing licensure, nor from providing
14 advice regarding this act, plumbing or plumbing licensure.

15 CHAPTER 5

16 LICENSURE

17 Section 501. Licensure.

18 (a) Prohibition.--An individual may not hold himself out as
19 an apprentice plumber, journeyman plumber or master plumber
20 unless licensed by the board.

21 (b) Business entities.--An individual, corporation,
22 partnership, firm or other entity may not use the term "licensed
23 plumbing contractor" in connection with the entity unless at
24 least one employee or the owner of the entity is licensed as a
25 master plumber in accordance with this act.

26 (c) Title.--An individual who holds a license as a master
27 plumber or is maintained on inactive status under section 505(b)
28 shall have the right to use the title "licensed plumbing
29 contractor" and the abbreviation "L.P.C." No other individual
30 shall use the title "licensed plumbing contractor" or the

1 abbreviation "L.P.C."

2 (d) Responsibility.--A licensed plumbing contractor shall
3 assume full responsibility to ensure conformance with safety
4 standards and applicable plumbing codes, including plumbing
5 codes for first and second class counties as provided under the
6 act of November 10, 1999 (P.L.491, No.45), known as the
7 Pennsylvania Construction Code Act.

8 (e) Additional licensure requirements.--This act does not
9 prohibit first or second class counties from imposing plumbing
10 licensure requirements in addition to the provisions of this
11 act.

12 Section 502. Qualifications.

13 (a) Master plumber.--To be eligible to apply for licensure
14 as a master plumber, an applicant must fulfill the following
15 requirements:

16 (1) Be at least 18 years of age.

17 (2) Submit proof satisfactory to the board that the
18 applicant has provided plumbing services for not less than
19 five years prior to application. Of the minimum five years'
20 experience required, not less than five years shall have been
21 as a master plumber or not less than one year shall have been
22 as a journeyman plumber and not less than four years shall
23 have been as an apprentice plumber. In lieu of the minimum
24 five years' experience provided in this paragraph, an
25 applicant may submit proof satisfactory to the board that the
26 individual has sufficient training and experience to sit for
27 the examination.

28 (3) Pay the fee set by the board.

29 (4) Pass the examination provided by the board.

30 (5) Provide a current certificate of liability insurance

1 in the amount of \$500,000.

2 (b) Journeyman plumber.--To be eligible for licensure as a
3 journeyman plumber, an applicant must fulfill the following
4 requirements:

5 (1) Be of good moral character.

6 (2) Be at least 18 years of age.

7 (3) Submit proof satisfactory to the board that the
8 applicant has:

9 (i) provided plumbing services for not less than
10 four years as a journeyman or an apprentice plumber or
11 has served not less than 8,000 hours as an apprentice
12 plumber;

13 (ii) has satisfactorily completed not less than 576
14 hours of related technical education at an accredited
15 school; or

16 (iii) has satisfactorily met the Federal standards
17 of apprenticeship as defined in 29 C.F.R. § 29.5
18 (relating to standards of apprenticeship).

19 (4) Pay the fee set by the board.

20 (5) Pass the examination provided by the board.

21 (c) Additional requirement.--In addition to passing the
22 examination set forth in subsection (a) (4) or (b) (5), an
23 individual applying for licensure as a master plumber or a
24 journeyman plumber who provides or will provide plumbing
25 services in either a first class county or a second class county
26 must pass an examination on the plumbing code of the first class
27 county or the second class county, as appropriate.

28 (d) Apprentice plumber.--To be eligible for licensure as an
29 apprentice plumber, an applicant shall fulfill the following
30 requirements:

1 (1) Be at least 16 years of age.

2 (2) Register with the department as set forth in the act
3 of July 14, 1961 (P.L.604, No.304), known as The
4 Apprenticeship and Training Act. The apprentice plumber shall
5 submit proof of current registration to the board.

6 (e) Renewal of license of apprentice plumber.--In the case
7 of an apprentice plumber applying for renewal of a license where
8 registration under the Registered Apprenticeship Partnership
9 Information Data System (RAPIDS) has expired or otherwise lapsed
10 before the biennial renewal cycle will expire, the apprentice
11 plumber shall submit evidence satisfactory to the board that the
12 apprentice plumber has renewed the registration to the board.
13 Failure to notify the board within 30 days that the registration
14 has expired or otherwise lapsed shall subject the apprentice
15 plumber to disciplinary action. In the case of an apprentice
16 plumber whose registration has expired or otherwise lapsed, the
17 license shall be immediately placed in inactive status by the
18 board. The board shall promulgate regulations in order to carry
19 out the provisions of this subsection, including regulations
20 setting forth the evidence necessary to demonstrate renewal of
21 the registration.

22 (f) Waiver of examination.--Notwithstanding the provisions
23 of subsections (a) (4) and (b) (5), the board shall grant a
24 license to an individual applying to become either a master
25 plumber or a journeyman plumber without examination if the
26 individual meets all of the following requirements:

27 (1) The individual applies within 24 months of the
28 effective date of this section.

29 (2) The individual meets the requirements of age and
30 pays the required fee.

1 (3) For an individual applying for a license as a master
2 plumber under this subsection, the individual submits proof
3 satisfactory to the board of any of the following:

4 (i) Five years of prior experience immediately
5 preceding application providing plumbing services within
6 this Commonwealth.

7 (ii) Five consecutive years of possession of a
8 current business license as a plumber from a municipality
9 or other agency recognized by the respective county and
10 the board where applicable.

11 (iii) Successful completion of a test administered
12 by the respective county of the first or second class or
13 a county or city of the third class, as appropriate to
14 working as a licensee in those specific counties or
15 cities.

16 (4) For an individual applying for a license as a
17 journeyman plumber under this subsection, the individual
18 submits proof satisfactory to the board of:

19 (i) Four years of prior experience immediately
20 preceding the application for licensure providing
21 plumbing services under the supervision of an individual
22 licensed as a plumber by a municipality or other agency
23 recognized by the board.

24 (ii) Successful completion of a test administered by
25 the respective county of the first or second class or a
26 county or city of the third class, as appropriate to
27 working as a licensee in those specific counties or
28 cities.

29 (g) Convictions prohibited.--The board may not issue a
30 license to an individual who has been convicted of a felonious

1 act prohibited by the act of April 14, 1972 (P.L.233, No.64),
2 known as The Controlled Substance, Drug, Device and Cosmetic
3 Act, or convicted of a felony relating to a controlled substance
4 in a court of law of the United States or any other state,
5 territory or country unless all of the following have occurred:

6 (1) At least five years have elapsed from the date of
7 conviction.

8 (2) The individual satisfactorily demonstrates to the
9 board that he has made significant progress in personal
10 rehabilitation since the conviction so that licensure of the
11 individual should not be expected to create a substantial
12 risk of harm to the health and safety of the public or a
13 substantial risk of further criminal violations.

14 (3) The individual otherwise satisfies the
15 qualifications provided in this act. An individual's
16 statement on the application declaring the absence of a
17 conviction shall be deemed satisfactory evidence of the
18 absence of a conviction unless the board has some evidence to
19 the contrary.

20 Section 503. Continuing education.

21 (a) Regulations.--The board shall adopt, promulgate and
22 enforce rules and regulations consistent with the provisions of
23 this act establishing continuing education to be met by
24 individuals licensed as master plumbers and journeyman plumbers.
25 Regulations shall include any fees necessary for the board to
26 carry out its responsibilities under this section. The board may
27 waive all or part of the continuing education requirement for a
28 master plumber or a journeyman plumber who shows evidence
29 satisfactory to the board that the individual was unable to
30 complete the requirement due to illness, emergency, military

1 service or other hardship. All courses, materials, locations and
2 instructors shall be approved by the board. A credit may not be
3 given for a course in office management or practice building.

4 (b) Requirement.--Beginning with the licensure period
5 designated by regulation, an individual applying for renewal of
6 a license as a master plumber or a journeyman plumber shall be
7 required to obtain 10 hours of continuing education during the
8 two calendar years immediately preceding the application for
9 renewal.

10 Section 504. Plumbing contractors in other states.

11 (a) Reciprocity established.--Subject to subsections (b) and
12 (c), the board may issue a license without examination to an
13 individual who is licensed as a master plumber or journeyman
14 plumber in another state, territory or possession of the United
15 States if all of the following requirements are met:

16 (1) The individual meets the requirements as to
17 character and age.

18 (2) The individual pays the required fee.

19 (3) The individual demonstrates to the satisfaction of
20 the board that the individual meets the experience
21 requirement for master plumbers and journeyman plumbers, as
22 appropriate.

23 (4) The individual provides evidence satisfactory to the
24 board that the individual has passed an examination in
25 another jurisdiction demonstrating knowledge of a plumbing
26 code.

27 (b) Requirement.--For an individual to be eligible to apply
28 for a license as a master plumber or a journeyman plumber under
29 subsection (a), the other state, territory or possession of the
30 United States must provide an opportunity for reciprocal

1 licensure that is substantially similar to the opportunity
2 provided by the Commonwealth under this section.

3 (c) Counties of the first or second class.--An individual
4 applying for a license as a master plumber or journeyman plumber
5 under subsection (a) who provides or will provide plumbing
6 services in either a county of the first class or a county of
7 the second class shall further be subject to a licensure
8 requirement of the respective county.

9 Section 505. Duration of license.

10 (a) Duration of license.--A license issued under this act
11 shall be on a biennial basis. The biennial expiration date shall
12 be established by the board. Application for renewal of a
13 license shall biennially be forwarded to an individual holding a
14 current license prior to the expiration date of the current two-
15 year period. For individuals applying for licensure as an
16 apprentice plumber, the application form must indicate whether
17 registration as an apprentice under the act of July 14, 1961
18 (P.L.604, No.304), known as The Apprenticeship and Training Act,
19 has expired or otherwise lapsed before the biennial renewal
20 cycle will expire.

21 (b) Inactive status.--An individual licensed under this act
22 may request an application for inactive status. The application
23 form may be completed and returned to the board. Upon receipt of
24 an application, the individual shall be maintained on inactive
25 status without fee and shall be entitled to apply for a
26 licensure renewal at any time. An individual who requests the
27 board to activate the license of the individual and who has been
28 on inactive status shall, prior to receiving an active license,
29 satisfy the requirements of the board's regulations regarding
30 continuing education and remit the required fee. In the case of

1 an apprentice plumber who is placed on inactive status under
2 section 502(e), the apprentice plumber shall provide evidence to
3 the board of renewal of registration before the board may
4 activate the license. The board shall promulgate regulations to
5 carry into effect the provisions of this subsection.

6 Section 506. Reporting of multiple licensure.

7 A licensee who is also licensed to perform plumbing services
8 in another state, municipality, territory or possession of the
9 United States shall report this information to the board on the
10 biennial registration application. Any disciplinary action taken
11 in another state, municipality, territory, possession of the
12 United States or country shall be reported to the board on the
13 biennial registration application or within 90 days of final
14 disposition, whichever is sooner. Multiple licensure shall be
15 noted by the board on the individual's record, and the other
16 state, municipality, territory, possession or country shall be
17 notified by the board of disciplinary action taken against the
18 licensee in this Commonwealth.

19 Section 507. Prohibition.

20 This act shall not prohibit the installation, modification or
21 replacement of propane-related systems or appliances by the
22 owner, principal or employee of a propane distributor if the
23 propane distributor is registered with the department under the
24 act of June 19, 2002 (P.L.421, No.61), known as the Propane and
25 Liquefied Petroleum Gas Act, and with the Attorney General under
26 the act of October 17, 2008 (P.L.1645, No.132), known as the
27 Home Improvement Consumer Protection Act.

28 CHAPTER 7

29 ADMINISTRATION AND ENFORCEMENT

30 Section 701. Fees, fines and civil penalties.

1 (a) Fees.--All fees required under this act shall be fixed
2 by the board by regulation and shall be subject to the act of
3 June 25, 1982 (P.L.633, No.181), known as the Regulatory Review
4 Act. If the revenues raised by the fees, fines and civil
5 penalties imposed under this act are not sufficient to meet
6 expenditures over a two-year period, the board shall increase
7 those fees by regulation so that projected revenues will meet or
8 exceed projected expenditures.

9 (b) Fee increase.--If the department determines that the
10 fees established by the board under subsection (a) are
11 inadequate to meet the minimum enforcement efforts required by
12 this act, then the department, after consultation with the board
13 and subject to the Regulatory Review Act, shall increase the
14 fees by regulation in an amount so that adequate revenues are
15 raised to meet the required enforcement effort.

16 (c) Account.--A restricted account is established in the
17 General Fund that shall be known as the Plumbing Contractors
18 Licensure Account. Beginning July 1, 2017, and thereafter, all
19 money collected by the board shall be paid into the Plumbing
20 Contractors Licensure Account. Funds in this account are hereby
21 appropriated upon approval of the Governor for payment of the
22 costs of processing licenses and renewals and for other general
23 costs of board operations.

24 (d) Renewal fee.--The board may charge a fee, as set by the
25 board by regulation, for licensure, for renewing licensure and
26 for other administrative actions by the board as permitted by
27 this act or by regulation.

28 Section 702. Violations.

29 (a) Criminal penalty.--An individual or the responsible
30 officers or employees of a corporation, partnership, firm or

1 other entity violating a provision of this act or a regulation
2 of the board commits a misdemeanor and shall, upon conviction,
3 be sentenced to pay a fine of not more than \$1,000 or to
4 imprisonment for not more than six months for the first
5 violation. For the second and each subsequent conviction, the
6 person shall be sentenced to pay a fine of not more than \$2,000
7 or to imprisonment for not less than six months nor more than
8 one year, or both.

9 (b) Civil penalty.--In addition to any other civil remedy or
10 criminal penalty provided for in this act, the board, by a vote
11 of the majority of the maximum number of the authorized
12 membership of the board as provided by law or by a vote of the
13 majority of the duly qualified and confirmed membership or a
14 minimum of five members, whichever is greater, may levy a civil
15 penalty of up to \$10,000 on any of the following:

16 (1) A licensee who violates a provision of this act.

17 (2) An individual or firm that identifies as an
18 apprentice plumber, journeyman plumber, master plumber or
19 licensed plumbing contractor without being properly licensed
20 as provided in this act.

21 (3) The responsible officers or employees of a
22 corporation, partnership, firm or other entity violating a
23 provision of this act.

24 (c) Procedure.--The board shall levy the civil penalty set
25 forth in subsection (b) only after affording the accused the
26 opportunity for a hearing as provided in 2 Pa.C.S. (relating to
27 administrative law and procedure).

28 Section 703. Refusal, suspension or revocation of license.

29 (a) General rule.--The board may revoke, suspend or refuse
30 to issue a license in a case where the board finds:

1 (1) The licensee is or has been negligent or incompetent
2 in the performance of plumbing services.

3 (2) The licensee is or has been unable to perform
4 plumbing services with reasonable skill and safety by reason
5 of mental or physical illness or condition or physiological
6 or psychological dependence upon alcohol, hallucinogenic or
7 narcotic drugs or other drugs that tend to impair judgment or
8 coordination, as long as dependence shall continue. In
9 enforcing this paragraph, the board shall, upon probable
10 cause, have authority to compel a licensee to submit to a
11 mental or physical examination as designated by the board.
12 After notice, hearing, adjudication and appeal, failure of a
13 licensee to submit to the required examination when directed
14 shall constitute an admission of the allegations unless
15 failure is due to circumstances beyond the licensee's
16 control, when a default and final order may be entered
17 without the taking of testimony or presentation of evidence.
18 A licensee affected under this paragraph shall, at reasonable
19 intervals, be afforded the opportunity to demonstrate that he
20 can resume competent, safe and skillful performance of
21 plumbing services.

22 (3) The licensee has violated any of the provisions of
23 this act or a regulation of the board.

- 24 (4) The licensee has committed fraud or deceit in:
- 25 (i) the performance of plumbing services; or
 - 26 (ii) securing licensure.

27 (5) The board shall not issue a license to an individual
28 who has been convicted of a felonious act prohibited by the
29 act of April 14, 1972 (P.L.233, No.64), known as The
30 Controlled Substance, Drug, Device and Cosmetic Act, or

1 convicted of a felony relating to a controlled substance in a
2 court of law of the United States or another state, territory
3 or country unless:

4 (i) At least five years have elapsed from the date
5 of conviction.

6 (ii) The individual satisfactorily demonstrates to
7 the board that he has made significant progress in
8 personal rehabilitation since the conviction so that
9 licensure of the individual should not be expected to
10 create a substantial risk of harm to the health and
11 safety of the public or a substantial risk of further
12 criminal violations.

13 (iii) The individual otherwise satisfies the
14 qualifications provided in this act. An individual's
15 statement on the application declaring the absence of a
16 conviction shall be deemed satisfactory evidence of the
17 absence of a conviction unless the board has some
18 evidence to the contrary.

19 (6) The licensee has had the licensee's license
20 suspended or revoked or has received other disciplinary
21 action by the proper licensing authority in another state,
22 territory or possession of the United States or country.

23 (7) With respect to a master plumber, the master plumber
24 failed to properly direct and supervise a journeyman plumber
25 or apprentice plumber. This paragraph includes failure to
26 ensure compliance with safety standards and applicable
27 plumbing codes.

28 (8) The licensee falsely advertised or made misleading,
29 deceptive, untrue or fraudulent material representations
30 regarding licensure or in the performance of plumbing

1 services.

2 (9) Unless waived by the board in accordance with
3 section 503, the licensee failed to satisfy the continuing
4 education requirements of this act.

5 (b) Acts authorized.--When the board finds that the license
6 of an individual may be refused, revoked or suspended under
7 subsection (a), the board may:

8 (1) Deny the application for a license.

9 (2) Administer a public reprimand.

10 (3) Revoke, suspend, limit or otherwise restrict a
11 license.

12 (4) Suspend enforcement of its finding and place a
13 licensee on probation with the right to vacate the
14 probationary order for noncompliance.

15 (5) Restore or reissue, in its discretion, a suspended
16 license and impose a disciplinary or corrective measure that
17 it might originally have imposed.

18 Section 704. Suspensions and revocations.

19 A suspension or revocation shall be made only in accordance
20 with the regulations of the board and only by majority vote of
21 the members of the board after a full and fair hearing. An
22 action of the board shall be taken subject to the right of
23 notice, hearing and adjudication, and the right of appeal, in
24 accordance with the provisions of 2 Pa.C.S. (relating to
25 administrative law and procedure). The board, by majority action
26 and in accordance with its regulations, may reissue a license
27 which has been suspended. If a license has been revoked, the
28 board shall reissue a license only in accordance with section
29 706.

30 Section 705. Temporary and automatic suspensions.

1 (a) General rule.--A license issued under this act may be
2 temporarily suspended under circumstances determined by the
3 board to be an immediate and clear danger to public health or
4 safety or property. The board shall issue an order to that
5 effect without a hearing, but upon due notice, to the licensee
6 concerned at the licensee's last known address, that shall
7 include a written statement of all allegations against the
8 licensee. The provisions of section 704 shall not apply to
9 temporary suspension. The board shall commence formal action to
10 suspend, revoke or restrict the license of the individual as
11 otherwise provided for in this act. All actions shall be taken
12 promptly and without delay. Within 30 days following the
13 issuance of an order temporarily suspending a license, the board
14 shall conduct or cause to be conducted a preliminary hearing to
15 determine that there is a prima facie case supporting the
16 suspension. The individual whose license has been temporarily
17 suspended may be present at the preliminary hearing and may be
18 represented by counsel, cross-examine witnesses, inspect
19 physical evidence, call witnesses, offer evidence and testimony
20 and make a record of the proceedings. If it is determined that
21 there is not a prima facie case, the suspended license shall be
22 immediately restored. The temporary suspension shall remain in
23 effect until vacated by the board, but in no event longer than
24 180 days.

25 (b) Commitment of licensee.--A license issued under this act
26 shall automatically be suspended upon the legal commitment of a
27 licensee to an institution because of mental incompetency from
28 any cause upon filing with the board a certified copy of the
29 commitment, conviction of a felony under the act of April 14,
30 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,

1 Device and Cosmetic Act, or conviction of an offense under the
2 laws of another jurisdiction, that, if committed in this
3 Commonwealth, would be a felony under The Controlled Substance,
4 Drug, Device and Cosmetic Act. Automatic suspension under this
5 subsection shall not be stayed pending an appeal of a
6 conviction. Restoration of the license shall be made as provided
7 in the case of revocation or suspension of a license.

8 Section 706. Reinstatement of license.

9 Unless ordered to do so by the Commonwealth Court or an
10 appeal from the Commonwealth Court, the board shall not
11 reinstate the license of an individual whose license has been
12 revoked. An individual whose license has been revoked may
13 reapply for a license after a period of at least five years but
14 must meet all of the licensing requirements of this act.

15 Section 707. Surrender of suspended or revoked license.

16 The board shall require an individual whose license has been
17 suspended or revoked to return the license in a manner that the
18 board directs. Failure to do so, and upon conviction of failure
19 to return the license, shall be a misdemeanor of the third
20 degree.

21 Section 708. Injunction.

22 Whenever, in the judgment of the board, a person has engaged
23 in an act or practice that constitutes or will constitute a
24 violation of this act, the board or its agents may make
25 application to the appropriate court for an order enjoining the
26 act or practice. Based on a showing by the board that the person
27 has engaged or is about to engage in a prohibited act or
28 practice, an injunction, restraining order or other order, as
29 may be appropriate, may be granted by the court. The remedy by
30 injunction is in addition to any other civil or criminal

1 penalty.

2 Section 709. Subpoenas and oaths.

3 (a) Authority granted.--The board shall have the authority
4 to issue subpoenas, upon application of an attorney responsible
5 for representing the Commonwealth in disciplinary matters before
6 the board, for the purpose of investigating alleged violations
7 of the act or a regulation of the board. The board shall have
8 the power to subpoena witnesses, administer oaths, examine
9 witnesses and take testimony or compel the production of books,
10 records, papers and documents as it may deem necessary or proper
11 in and pertinent to a proceeding, investigation or hearing held
12 by it. The board is authorized to apply to Commonwealth Court to
13 enforce its subpoenas. The Commonwealth Court may impose
14 limitations in the scope of the subpoena as are necessary to
15 prevent unnecessary intrusion into client confidential
16 information.

17 (b) Disciplinary matters.--An attorney responsible for
18 representing the Commonwealth in disciplinary matters before the
19 board shall notify the board immediately upon receiving
20 notification of an alleged violation of this act or a regulation
21 of the board. The board shall maintain current records of the
22 reported alleged violations and periodically review the records
23 for the purpose of determining that each alleged violation has
24 been resolved in a timely manner.

25 CHAPTER 9

26 MISCELLANEOUS PROVISIONS

27 Section 901. Municipalities.

28 (a) Municipal licenses not required and exceptions.--
29 Licensure under this act shall be acceptable to a municipality
30 or public entity in this Commonwealth, except as to a county of

1 the first or second class, as proof of competence to perform
2 plumbing services, and no municipality, other than a county of
3 the first or second class, may require an individual licensed
4 under this act to obtain an additional license to perform
5 plumbing services.

6 (b) Certain powers preserved.--Nothing in this act shall be
7 construed to prevent a municipality from doing any of the
8 following:

9 (1) Inspecting plumbing services or regulating the
10 manner in which plumbing services are performed in compliance
11 with the current Commonwealth plumbing code or applicable
12 municipal plumbing code.

13 (2) Levying lawful taxes and fees.

14 (3) Requiring the purchase of a business privilege
15 license that is unrelated to demonstrating competence in the
16 performance of plumbing services.

17 (4) Denying or revoking local permits for failure to
18 comply with ordinances.

19 (c) Plumbing construction standards.--Nothing in this act
20 authorizes the board or a municipality to adopt plumbing
21 construction standards except within the relevant provisions of
22 the act of November 10, 1999 (P.L.491, No.45), known as the
23 Pennsylvania Construction Code Act. Nothing in this act
24 authorizes the board or a municipality to adopt a standard or
25 regulation of propane, propane distributors or installation of
26 propane-related systems or appliances which differs or conflicts
27 with sections 15 and 16 of the act of June 19, 2002 (P.L.421,
28 No.61), known as the Propane and Liquefied Petroleum Gas Act.
29 Section 902. Appropriation.

30 The sum of \$85,000, or as much of that amount as may be

1 necessary, is hereby appropriated to the department for the
2 payment of costs associated with processing and renewing
3 licenses, for the operation of the board and for other costs
4 associated with this act. The appropriation shall be repaid by
5 the department within three years of the beginning of issuance
6 of licenses by the board.

7 Section 903. Regulations.

8 Within 18 months of the effective date of this section, the
9 board shall begin to promulgate regulations to carry out this
10 act.

11 Section 904. Effective date.

12 This act shall take effect as follows:

13 (1) Section 501 shall take effect in one year.

14 (2) This section shall take effect immediately.

15 (3) The remainder of this act shall take effect in 60
16 days.